

DISTRICT OF
PENNSYLVANIA

3021-CV-C

STACY BUTLER

V. PLAINTIFF

CASE #

FILED
SCRANTON

UNITED STATES
Defendants

MAR 30 2021

PER
DEPUTY CLERK

Civil Action Complaint

This is a federal tort claim made pursuant to 28 U.S.C. Section 2671-2680 and 28 USC Section 1346.

This is a civil action complaint for Declaratory, Complementary and monetary relief for violation of 18 U.S.C. § 4042, et seq. and for violation of the federal tort claim act 28 U.S.C. Section 2671-2680.

Jurisdiction

Jurisdiction is conferred upon this court pursuant to the federal tort claim act, 28 USC § 2671-2680, 28 USC § 1346, 28 USC § 2201 and 28 USC § 2202

Venue

Venue is proper in this court pursuant to 28 USC 1402, c.b) because the facts as alleged in this complaint occurred in this judicial district

Parties

The plaintiff is Stacy Butler who is a federal prisoner incarcerated at U.S.P. Beaumont at P.O. Box 26030 Beaumont, Texas 77720

Defendant #1, The U.S. in its official capacity at
USP Canaan Wymont Pennsylvania
Count-1

The U.S. through its agency the federal Bureau of
Prisons employees at USP Canaan in their official
capacity under color of federal Authority breached
their statutory duties pursuant to 18 USC § 4042 et
seq. by the wrongfully and negligent failed to provide
the plaintiff with prescribed medical treatment on
3/21/18.

On 3/21/18 Pac. H. Walters administered the wrong
medication to the plaintiff that was not prescribed to
the plaintiff which has caused and continues to cause
the plaintiff various injuries and damages, in violation
of the federal Bureau of Prisons statutory duties
pursuant to 18 USC § 4042, et seq. and the federal
tort claim act 28 USC § 2671-2680

Supporting Facts

- 1) I aver that on 3-21-18 during a institutional lock-down
while housed in C-2 cell 227 Pac. H. Walters administered me
Stacy Butler the wrong medication, medication in which was
my cellys Cedric Hodges Smith medication.
- 2) I aver that I was identified by Pac. H. Walters before she
gave me the wrong medication.

- 3) I aver that before receiving the medication that I told PAC-H. Walter that the medication she was about to give me wasn't my meds because the amount contained didn't look like 3 pills in which was suppose to have been 2 carbamazepines and baclofen.
- 4) I aver that PAC-H. Walters then stated after looking at the pills that the baclofen was discontinued and gave me the meds to take.
- 5) I aver that after taking the meds that I then stepped away from the cell door and sat on the bottom bunk.
- 6) I aver that my cellmate Cedric Hadjos Smith then went to the door to be given his medication.
- 7) I aver that PAC-H. Walters tried to hand Mr. Smith some medication but Mr. Smith stated to her that the meds was not his.
- 8) I aver that PAC-H. Walters told Mr. Smith to step aside, she then looked at me and told me stay Butler that she had administered me the wrong medication.
- 9) I aver that I stepped back to the door and was administered the carbamazepine and baclofen by Ms. Walters.
- 10) I aver that about an hour later I began to feel disoriented, a rapid heartbeat, dizziness, drowsiness, fatigue and nausea.
- 11) I aver that my cellmate pushed the cell's emergency call button.
- 12) I aver that it wasn't until the second time he pushed it did

A.N. Patricia Zdziarski showed up after telling the officer in charge of housing unit C-2 to tell me to drink water the first time.

Q I aver that I was met by P. Zdziarski abusive language and threats.

A) I aver that P.A.C. H. Walters neglect in providing me with the proper meds was because she failed to insure that the registered number on the meds and name matched my identification.

Remedy # TRI-NEA-2020-P2031

The defendant did not respond within 6 months to the plaintiff amended form (95).

Relief

i) Judgement that the defendant the United States are liable to the plaintiff in their official capacity for compensatory damages for the amount of \$250,000.00 for Count (1).

Verification

I certify under the penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing facts as stated above herein are true and correct to the best of my knowledge and belief. Done Dated and executed this 15th day of March 2021

Stacy Butler GS 375-019

U.S.P. Beaumont

P.O. Box 26030

Beaumont, Texas 77720

MIDDLE DISTRICT
OF PENNSYLVANIA

STAY BUTLER
v. Plaintiff

CASE #

United States

NOTICE OF MEMO
ATTACHMENT

Comes now stay butler pro-se hereby give
notice to this honorable court said attachment
in the above cause of action and also states as follows.

- (1) The plaintiff states that he was without his personal property
NOV, 20, 20, up until March 18th 2021.
- (2) Plaintiff arrived at U.S.P. Beaumont and
was still without his property even in the
month of Feb 25 2021.
- (3) Plaintiff is also very, very limited to access the
electronic law library at the U.S.P. Due to restricted
movement because of the Covid (19) Pandemic.
- (4) The plaintiff ask this court to except the enclosed attachment
complaint as filed with this court timely do to the
circumstances of no faults of his own's but as stated
herein in paragraphs 1 thru 3 and (6).
- (5) Plaintiff recieved a case # for said complaint in which
was assigned by this court, the month of Oct. 2020.
late request mailed to the court 9/10/20 by Stay Butler
From R. U.S.P. THOMSON I.L.

b) Plaintiff contracted the covid (19) virus in NOV-21 2020 and was in Quarantine without personal property whereas a case # filed with this court along with requested tort claim form and court Rule Civ. Pro. involving the plaintiff to litigate. There was no availability are ANY access to law library electronically impeding the plaintiff's ability to prepare for this said cause of action.

verify action
under penalty of perjury the foregoing
herein and its entirety is hereby true
and correct to the best of my knowledge.

STacy Butler

05373-017

US L. Beaumont

P.O. Box #26030

Beaumont, Texas 77720

Mr. Stacy Butler

05373-017

United States Penitentiary

P.O. Box 26030

Birmingham, Texas 77720

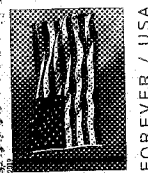
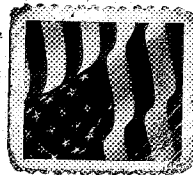
RECEIVED
SCRANTON

MAR 30 2021

PER


DEPUTY CLERK

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Clerk of Court
William J. Nealon Federal Bldg U.S. Courthouse

235 N. Washington Ave

P.O. Box 1148

Scranton, PA 18501

